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**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: Agere Systems Inc.Application No./Patent No.: 09/247,779 Filed/Issued Date: February 9, 1999Entitled: Method and Apparatus for Guaranteeing Data Transfer Rates and Delays in Data Packet Networks Using Generalized Discrete Data Transfer Rate Approach  
(Name of Assignee) Agere Systems Inc. corporation

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

- 1  the assignee of the entire right, title, and interest; or
- 2  an assignee of less than the entire right, title and interest.  
The extent (by, percentage) of its ownership interest is \_\_\_\_\_ %

In the patent application/patent identified above by virtue of either:

A  An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

B  A Chain of title from the inventor(s) of the patent application/patent identified above, to the current assignee as shown below:

1. From Inventor(s) To: Lucent Technologies Inc.  
The document was recorded in the United States Patent and Trademark Office at Reel 9703, Frame 0304, or for which a copy thereof is attached.
2. From Lucent Technologies Inc. To: Agere Systems Guardian Corp.  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From Agere Systems Guardian Corp. To: Agere Systems Inc.  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

 Additional documents in the chain of title are listed on a supplemental sheet. Copies of assignments or other documents in the chain of title are attached.

[Note: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

12/15/03

Date

Wendy W. Koba

Typed or printed name

Wendy W. Koba

Signature

Corporate Counsel

Title

## ASSIGNMENT AND AGREEMENT

For value received, we, Fabio Massimo Chiussi of Tinton Falls in the County of Monmouth and State of New Jersey, and Andrea Francini of Eatontown in the County of Monmouth and State of New Jersey, hereby sell, assign and transfer to Lucent Technologies Inc., a corporation of the State of Delaware, having an office at 600 Mountain Avenue, Murray Hill, New Jersey 07974-0636, U.S.A., and its successors, assigns and legal representatives, the entire right, title and interest, for the United States of America, in and to certain inventions related to **METHOD AND APPARATUS FOR GUARANTEEING DATA TRANSFER RATES AND DELAYS IN DATA PACKET NETWORKS USING GENERALIZED DISCRETE DATA TRANSFER RATE APPROACH** described in an application for Letters Patent of the United States, executed by each of us of even date herewith, and all the rights and privileges in said application and under any and all Letters Patent that may be granted in the United States for said inventions; and we also concurrently hereby sell, assign and transfer to Lucent Technologies Inc. the entire right, title and interest in and to said inventions for all countries foreign to the United States, including all rights of priority arising from the application aforesaid, and all the rights and privileges under any and all forms of protection, including Letters Patent, that may be granted in said countries foreign to the United States for said inventions.

We authorize Lucent Technologies Inc. to make application for such protection in its own name and maintain such protection in any and all countries foreign to the United States, and to invoke and claim for any application for patent or other form of protection for said inventions, without further authorization from us, any and all benefits, including the right of priority provided by any and all treaties, conventions, or agreements.

We hereby consent that a copy of this assignment shall be deemed a full legal and formal equivalent of any document which may be required in any country in proof of the right of Lucent Technologies Inc. to apply for patent or other form of protection for said inventions and to claim the aforesaid benefit of the right of priority.

We request that any and all patents for said inventions be issued to Lucent Technologies Inc. in the United States and in all countries foreign to the United States, or to such nominees as Lucent Technologies Inc. may designate.

We agree that, when requested, we shall, without charge to Lucent Technologies Inc. but at its expense, sign all papers, and do all acts which may be necessary, desirable or convenient in connection with said applications, patents, or other forms of protection.

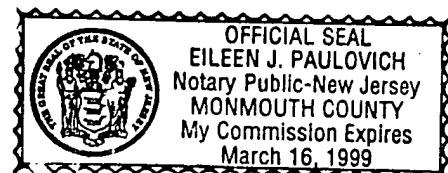
*Fabio Chiussi*  
\_\_\_\_\_  
Fabio Massimo Chiussi

Date: 1/22/99

United States Of America )  
State of New Jersey ) ss: 607 18 5874  
County of Monmouth )

On this 22 day of January, 1999, before me personally came Fabio Massimo Chiussi, to me known to be the individual described in and who executed the foregoing instrument, and acknowledged execution of the same.

*Eileen J. Paulovich*  
\_\_\_\_\_  
Notary Public



Andrea Francini

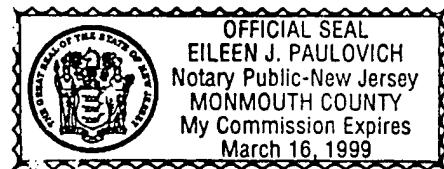
Andrea Francini

Date: 01/22/1999

United States Of America )  
State of NEW JERSEY ) ss:  
County of MONMOUTH )

On this 22 day of January, 1999, before me personally came Andrea Francini, to me known to be the individual described in and who executed the foregoing instrument, and acknowledged execution of the same.

Eileen J. Paulovich  
Notary Public



IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE

Declaration and Power of Attorney

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **METHOD AND APPARATUS FOR GUARANTEEING DATA TRANSFER RATES AND DELAYS IN DATA PACKET NETWORKS USING GENERALIZED DISCRETE DATA TRANSFER RATE APPROACH** the specification of which is attached hereto.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by an amendment, if any, specifically referred to in this oath or declaration.

I acknowledge the duty to disclose all information known to me which is material to patentability as defined in Title 37, Code of Federal Regulations, 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

None

I hereby claim the benefit under Title 35, United States Code, 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, 112, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

U.S. Appln. No. 60/079,647, filed March 27, 1998

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint the following attorney(s) with full power of substitution and revocation, to prosecute said application, to make alterations and amendments therein, to receive the patent, and to transact all business in the Patent and Trademark Office connected therewith:

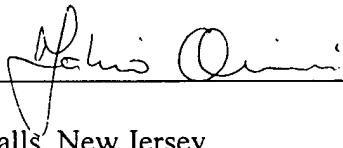
Lester H. Birnbaum	(Reg. No. 25830)
Richard J. Botos	(Reg. No. 32016)
Jeffery J. Brosemer	(Reg. No. 36096)
Kenneth M. Brown	(Reg. No. 37590)
Donald P. Dinella	(Reg. No. 39961)
Guy Eriksen	(Reg. No. P-41736)
Martin I. Finston	(Reg. No. 31613)
James H. Fox	(Reg. No. 29379)
Barry H. Freedman	(Reg. No. 26166)
Julio A. Garceran	(Reg. No. 37138)
Mony R. Ghose	(Reg. No. 38159)
Jimmy Goo	(Reg. No. 36528)
Anthony Grillo	(Reg. No. 36535)
Stephen M. Gurey	(Reg. No. 27336)
John M. Harman	(Reg. No. 38173)
Donald E. Hayes, Jr.	(Reg. No. 33245)
John W. Hayes	(Reg. No. 33900)
Mark A. Kurisko	(Reg. No. 38944)
Irena Lager	(Reg. No. 39260)
Christopher N. Malvone	(Reg. No. 34866)
Scott W. McLellan	(Reg. No. 30776)
Martin G. Meder	(Reg. No. 34674)
Geraldine Monteleone	(Reg. No. 40097)
John C. Moran	(Reg. No. 30782)
Michael A. Morra	(Reg. No. 28975)
Gregory J. Murgia	(Reg. No. 41209)
Claude R. Narcisse	(Reg. No. 38979)
Joseph J. Opalach	(Reg. No. 36229)
Neil R. Ormos	(Reg. No. 35309)
Eugene E. Pacher	(Reg. No. 29964)
Jack R. Penrod	(Reg. No. 31864)
Daniel J. Piotrowski	(Reg. No. P-42079)
Gregory C. Ranieri	(Reg. No. 29695)
Scott J. Rittman	(Reg. No. 39010)
Eugene J. Rosenthal	(Reg. No. 36658)
Bruce S. Schneider	(Reg. No. 27949)
Ronald D. Slusky	(Reg. No. 26585)
David L. Smith	(Reg. No. 30592)
Patricia A. Verlangieri	(Reg. No. P-42201)
John P. Veschi	(Reg. No. 39058)
David Volejnicek	(Reg. No. 29355)
Charles L. Warren	(Reg. No. 27407)

Eli Weiss

(Reg. No. 17765)

I hereby appoint the attorney(s) on ATTACHMENT A as associate attorney(s) in the aforementioned application, with full power solely to prosecute said application, to make alterations and amendments therein, to receive the patent, and to transact all business in the Patent and Trademark Office connected with the prosecution of said application. No other powers are granted to such associate attorney(s) and such associate attorney(s) are specifically denied any power of substitution or revocation.

Full name of 1st joint inventor: Fabio Massimo Chiussi

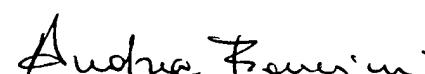
Inventor's signature  Date 01/22/94

Residence: Tinton Falls, New Jersey

Citizenship: Italy

Post Office Address: 18 Gloria Court  
Tinton Falls, New Jersey 07724

Full name of 2nd joint inventor: Andrea Francini

Inventor's signature  Date 01/22/1999

Residence: Eatontown, New Jersey

Citizenship: Italy

Post Office Address: 4 Victoria Drive  
Eatontown, New Jersey 07724

**ATTACHMENT A**

Attorney Name(s):	<u>Seth H. Ostrow</u>	Reg. No.:	<u>37,410</u>
	<u>Anthony J. Natoli</u>		<u>36,223</u>

Telephone calls should be made to Brown Raysman Millstein Felder & Steiner LLP at:

Phone No.: (212) 944-1515  
Fax No.: (212) 840-2429

All written communications are to be addressed to:

Seth H. Ostrow, Esq.  
Brown Raysman Millstein Felder & Steiner LLP  
120 West 45th Street  
New York, New York 10036

**EXECUTION COPY**

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**PATENT ASSIGNMENT****by and between****LUCENT TECHNOLOGIES INC.****and****AGERE SYSTEMS GUARDIAN CORP.****Dated as of January 30, 2001**

\\

## PATENT ASSIGNMENT

THIS PATENT ASSIGNMENT (this "Assignment"), effective as of January 30, 2001 (the "Effective Date"), is by and between Lucent Technologies Inc., a Delaware corporation, with offices at 600 Mountain Avenue, Murray Hill, New Jersey 07974, United States of America, ("ASSIGNOR") and Agere Systems Guardian Corp., a Delaware corporation, with offices at 555 Union Boulevard, Allentown, PA 18109, United States of America ("Agere Systems Guardian").

## RECITALS

A. WHEREAS, the Board of Directors of ASSIGNOR has determined that it is in the best interests of ASSIGNOR and its stockholders to separate ASSIGNOR's existing businesses into two independent businesses;

B. WHEREAS, ASSIGNOR presently owns or controls certain patents, patent applications, and invention submissions listed in the attached Appendices A and B (hereinafter "TRANSFERRED PATENTS") and;

C. WHEREAS, in furtherance of the foregoing separation, ASSIGNOR desires to transfer, assign, convey, deliver and vest all of its interests and rights in TRANSFERRED PATENTS for all countries, jurisdictions and political entities of the world, to and in Agere Systems Guardian;

NOW, THEREFORE, in consideration of the premises and for other good and valid consideration, the receipt and sufficiency of which are hereby acknowledged, the parties, intending to be legally bound, agree as follows:

ASSIGNOR, subject to existing rights and licenses of third parties, does hereby assign, convey, transfer and deliver, and agrees to assign, convey, transfer and deliver to Agere Systems Guardian, its successors, assigns and legal representatives or nominees, ASSIGNOR's entire right, title and interest, for all countries, jurisdictions and political entities of the world, along with the right to sue for past infringement, to all TRANSFERRED PATENTS listed on Appendices A and B, and corresponding counterpart foreign patents and patent applications, with respect to which, and to the extent to which, ASSIGNOR now has or hereafter acquires the right to so assign, convey, transfer and deliver. Agere Systems Guardian recognizes that ASSIGNOR holds only bare legal title to the TRANSFERRED PATENTS listed in Appendix A (which lists the United States Patents and patent applications previously exclusively licensed to Lucent Technologies Microelectronics Guardian Corp.).

ASSIGNOR and ASSIGNEE recognize that the patents listed in Appendices A and B may inadvertently include patents that are owned by various subsidiaries of ASSIGNOR, including Agere, Inc., Orltel Corporation, Optimay Corporation, Hermann Technology, Inc., and Enable Semiconductor, Inc. Ownership of such patents shall not be affected by this Patent

Assignment, and ASSIGNEE agrees that any such patents shall be deemed deleted from Appendices A and B.

ASSIGNOR agrees that, upon request it will, at any time without charge to Agere Systems Guardian, but at Agere Systems Guardian's expense, furnish all necessary documentation relating to or supporting chain of title, sign all papers, take all rightful oaths, and do all acts which may be necessary, desirable or convenient for vesting title to TRANSFERRED PATENTS in Agere Systems Guardian, its successors, assigns and legal representatives or nominees; including but not limited to any acts which may be necessary, desirable or convenient for claiming said rights and for securing and maintaining patents for said inventions in any and all countries and for vesting title thereto in Agere Systems Guardian and its respective successors, assigns and legal representatives or nominees.

IN WITNESS WHEREOF, the parties have caused this PATENT ASSIGNMENT to be executed by their duly authorized representatives as of the Effective Date.

LUCENT TECHNOLOGIES INC.

By:   
Daniel P. McCurdy  
President, Intellectual Property Business

AGERE SYSTEMS GUARDIAN CORP.

By:   
Fred M. Romano  
President

ACKNOWLEDGMENTS

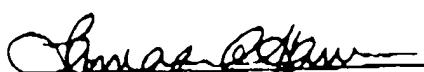
STATE OF NEW JERSEY )

ss:

COUNTY OF SOMERSET )

I CERTIFY that on January 30, 2001, Daniel P. McCurdy personally came before me and this person acknowledged under oath, to my satisfaction that:

- this person signed, sealed and delivered the attached Patent Assignment as President Intellectual Property Business of Lucent Technologies Inc.; and
- this Patent Assignment was signed and made by Lucent Technologies Inc. as its voluntary act and deed by virtue of authority from its Board of Directors.



Name **TAMORA ANNE HANNA**  
 Notary Public **Notary Public of New Jersey**  
 My Commission Expires **Registered in Hunterdon County**  
 (Notarial Seal) **My Commission Expires March 28, 2002**

STATE OF FLORIDA )

ss:

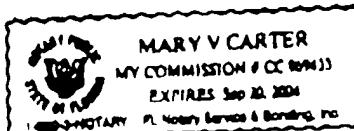
COUNTY OF ORANGE )

I CERTIFY that on January 31, 2001, Fred M. Romano personally came before me and this person acknowledged under oath, to my satisfaction that:

- this person signed, sealed and delivered the attached Patent Assignment as Vice President of Agere Systems Guardian Corp.; and
- this Patent Assignment was signed and made by Agere Systems Guardian Corp. as its voluntary act and deed by virtue of authority from its Board of Directors.



Name **MARY V. CARTER**  
 Notary Public  
 My Commission Expires:  
 (Notarial Seal)



Case Name	Filing Date	Issue Date	Client No.	Serial No.
Chettur 18-150-3	2/18/2000			00/182986
Chettur 2-1-3	7/23/1999			09/378458
Chettur 4-4-88-1-1	8/23/1999		09/121218	09/372271
Chettur 5-34-6-33-1-88	8/11/1999			09/384787
Chettur 6-10-83-84-10	7/30/1999			09/379055
Chettur 8-5-98-3-2	8/23/1999			00/158874
Cheung 1-2-1-1-33-2	10/11/1999			09/317430
Cheung 8	5/24/1999			09/560935
Cheung 7-1	4/28/2000			09/528753
Chew 7-11-5-49-8	3/20/2000			
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Chittipeddi 22	11/30/1994		09/347527	
Chittipeddi 24-8	10/28/1994		09/329808	
Chittipeddi 30-9	12/22/1998	6/20/2000	6078035	
Chittipeddi 34-10-10	1/18/1998		09/587081	
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Chittipeddi 59-108	12/20/1999			09/487253
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Chodnekar 2-9	8/23/2000			09/602558
Choi 1	8/10/1998		09/150529	

SECRETARY OF STATE  
DIVISION OF CORPORATIONS  
FILED 09:00 AM 08/29/2002  
020545223 - 3268612

**CERTIFICATE OF OWNERSHIP AND MERGER**

**OF**

**Agere Systems Guardian Corp.**  
(a Delaware corporation)

**INTO**

**Agere Systems Inc.**  
(a Delaware corporation)

**UNDER SECTION 253 OF THE GENERAL  
CORPORATION LAW OF THE STATE OF DELAWARE**

Agere Systems Inc., a corporation organized and existing under the laws of Delaware ("Corporation"), **DOES HEREBY CERTIFY:**

**FIRST:** The Corporation is the owner of all of the outstanding shares of common stock of Agere Systems Guardian Corp., which is also a business corporation of the State of Delaware.

**SECOND:** On August 22, 2002 the Subsidiary Governance Committee of the Board of Directors of the Corporation adopted the following resolution to merge Agere Systems Guardian Corp. into the Corporation:

**RESOLVED** that Agere Systems Guardian Corp., a Delaware corporation, shall be merged with and into Agere Systems Inc., a Delaware corporation, with Agere Systems Inc. being the surviving corporation, and Agere Systems Inc. shall thereupon assume all of the obligations of Agere Systems Guardian Corp.

**THIRD:** That the merger authorized hereby shall become effective as of 9:00 a.m. Eastern Standard Time on August 31, 2002.

Executed on August 22, 2002

**AGERE SYSTEMS INC.**

By Paul Bento  
Paul Bento, Vice President

# Delaware

PAGE 1

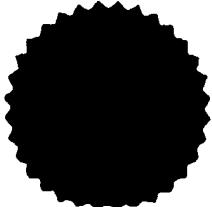
## The First State

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF OWNERSHIP, WHICH MERGES:

"AGERE SYSTEMS GUARDIAN CORP.", A DELAWARE CORPORATION, WITH AND INTO "AGERE SYSTEMS INC." UNDER THE NAME OF "AGERE SYSTEMS INC.", A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED IN THIS OFFICE THE TWENTY-NINTH DAY OF AUGUST, A.D. 2002, AT 9 O'CLOCK A.M.

AND I DO HEREBY FURTHER CERTIFY THAT THE EFFECTIVE DATE OF THE AFORESAID CERTIFICATE OF OWNERSHIP IS THE THIRTY-FIRST DAY OF AUGUST, A.D. 2002.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.



Harriet Smith Windsor  
Harriet Smith Windsor, Secretary of State

3268412 8100M

020545223

AUTENTICATION: 1959517

DATE: 08-29-02

IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE

## PATENT APPLICATION

**INVENTOR(S)** Fabio Massimo Chiussi  
Andrea Francini

**CASE** 10-3

**SERIAL NUMBER** 09/247,779      **GROUP ART UNIT** 2666

**FILING DATE** February 9, 1999      **CONF. NO.** 8043

**EXAMINER** Phuc H. Tran

**TITLE** Method and Apparatus for Guaranteeing Data Transfer  
Rates and Delays in Data Packet Networks Using  
Generalized Discrete Data Transfer Rate Approach

**COMMISSIONER FOR PATENTS**  
WASHINGTON, D.C. 20231

SIR:

## ASSOCIATE POWER OF ATTORNEY

Please recognize Wendy W. Koba (Reg. No. 30509) as associate attorney in the above-mentioned application with full power to prosecute said application, to make alterations and amendments therein, and to transact all business in the U.S. Patent and Trademark Office connected with the prosecution of said application.

Please direct all written communication in this application to *Wendy W. Koba, Esq. P.O. Box 556, Springtown, PA 18081* and please direct all telephone calls in this application to Wendy W. Koba at 610-346-7112.

Respectfully,

  
\_\_\_\_\_  
Scott W. McLellan  
Attorney for Applicant(s)  
Reg. No. 30776

Date: 4 June 03  
Agere Systems Inc.  
P.O. Box 614  
Burlington, NJ 07922-0614